

**Commissioners Meeting**  
**August 6, 2013**

**Present: David Gogel, Al Logsdon, Mickey Toler, Chuck Painter, Tara Lloyd, Attorney Jeff Lindsey, Auditor Jane Lynam**

Meeting was called to order by President David Gogel at 8:15 A.M.

**Minutes**

Logsdon made a motion to approve the July 2<sup>nd</sup> minutes as presented. Toler seconded the motion, motion approved.

**Claims**

**CEDIT**

Toler made a motion to approve Batch #2846 in the amount of \$271,621.42. Logsdon seconded the motion, motion approved.

**Regular**

There was a claim from Koorsen in the batch and Logsdon asked Lindsey to check and see if we had a current contract with them. Lindsey said he would check on it.

Logsdon made a motion to approve Batch #2840 in the amount of \$345,297.30. Toler seconded the motion, motion approved.

**SRI**

Auditor Lynam explained that SRI had requested their postage on July 24<sup>th</sup> when they were in the office, rather than waiting until claims were processed.

Toler made a motion to approve the claim for SRI for postage in the amount of \$1293.89.

Logsdon seconded the motion, motion approved

**Legal Report**

Lindsey explained the Medical Director-Law Enforcement Center Services Agreement; it is a one year agreement and there is a 30 day termination period. The payment will be \$750.00 per month. We just need Commissioners signatures.

Toler made a motion to approve the Medical Director-Law Enforcement Center Services Agreement. Logsdon seconded the motion, motion approved.

Lindsey said he had talked to Kent Irwin about employees giving their sick days to someone who had already used all their time. Irwin suggested we set up a sick leave bank. The Commissioners would start it with fifty days, to enroll in the sick bank the employee would have to donate one unused sick day; or in the event they have exhausted their sick days may contribute one personal day or one vacation day if available. Lindsey suggested everyone read over the information and then we could discuss it further at a later meeting.

Logsdon said he had some experience with a sick bank in both school corporations and he would be glad to talk to both superintendents and get their advice on how to set this up so it is as efficient as possible. I think this would be a generous benefit to our employees and I doubt that it would be used very often.

Lindsey explained that when he talked to Irwin about the sick bank implementation, they also discussed changing the personnel policy regarding the part time definitions. Employment status would be defined as follows: Regular full time (RFT), Full-Time Affordable Care Act (FTA), Part Time (PT), Seasonal/Temporary (ST). We don't have to make a decision on this today, take some time and look over all of the information.

Logsdon asked if because the ACA has been postponed until January 1, 2015 that means that the Sheriff wouldn't have had to cut the 3 cook's hours from 32. Lindsey said that was correct, due to the postponement they wouldn't have had to be cut.

Logsdon said then if they need to work 32 hours a week they should be able to do so, that would be up to Sheriff Lindsey to decide how to handle the situation.

Lindsey then explained that we had a request from WTH for Dean R. Beck for Electronic Map Data; since it is a company that is for profit there is a fee of \$750. of which the county receives \$250.

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Logsdon made a motion to approve the Electronic Map Data Application from Dean R. Beck requesting county GIS data; application already approved by WTH. Toler seconded the motion, motion approved.

#### **Highway Report**

##### **Englert**

Elliot Englert from Region 15 was present and spoke to the Commissioners concerning the Troy Refinery Site. All the contaminated soil has been removed; we now have holes that have filled up with water. We waited, hoping the water would evaporate, but that hasn't happened. We now need to get it pumped out and hauled off. If we can use a pump that the county has, that can be used as in-kind by the county. Dan Hohl will take the water because he is approved to take industrial waste water; Luttring Brothers can haul it off. Gogel asked who was paying for this. Englert said it could all be grant funds or part grant funds and part county match. Painter said everything but the big hole that is filled up with water has been filled.

Englert said that we need to have backfill stockpiled so that as soon as we get it empty we can fill it. We would like to have it done by the end of August if possible. Logsdon asked if we get it done by September 15<sup>th</sup> would that work for you. Englert said that should be fine.

##### **Painter**

Painter said Lloyd is getting ready to let our last CEDIT road bid on August 20<sup>th</sup>. All CEDIT paving projects are done, still have a lot of chip and seal to do, we may not get them all done. Winery road should be done tomorrow.

Logsdon asked how much extra money we got from the BMV this month. Lloyd said it was around \$67,000 more than last month. Logsdon said the reason he asked is because they are giving us this money to pave roads, not put it in the bank, and they will expect us to pave roads. This is a two year program and if we don't use it and use it wisely, it won't be refunded next time.

Painter said we might want to put asphalt on top of some chip and seal to cover them up because they are not going to last forever. Lloyd said then for 2014 we would want to have two paving plans, the CEDIT plan, maybe some district roads get moved over to that, maybe they don't. Then a district paving plan, this money would help us pave district roads, keep them district roads, and upgrade some of those. Then we would have that to show this was our paving plan for 2014 with the additional money. Logsdon said then we would have that to prove to them this was a BMV project.

##### **Engineer Report**

Lloyd said she had supplied Farbest with both the application for a truck hauling permit and the right-of-way permit. She has received both of those back in the mail, and now needs to present them to the Commissioners for approval of the permits. They didn't request that it all be surety bond, it's a \$33,848 cash bond, and \$135,393. surety bond. He was okay with changing up the route and coming off of 245 to reduce the amount of time they were on 1200.

Toler made a motion to accept the bond and right-of-way. Logsdon seconded the motion, motion approved.

Lloyd explained that she had heard back from INDOT in regard to taking over old highway 231 and our requests that weren't met on some of the drainage needs. They requested that she put it in writing with a current date and send it in letter format.

##### **Scott Meadors & Al Perdue**

##### **Perdue**

Perdue explained that he had contacted the state and federal governments at the request of Commissioner Al Logsdon to see if there was any help that could locate the problem we are having with our fire and ambulance frequency. At no set time we get a loud burst of static, it comes in and sometimes interferes with an emergency call going out, making them have to repeat the information. It usually last about 10 seconds, sometimes we will have 3 or 4 bursts within 30 minutes, then it may go for hours and you won't hear anything.

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In trying to locate the problem the Vendor who installed the system had identified that it is coming in on the output frequency of our fire and ambulance frequency in Chrisney. It is a signal that is coming in from somewhere away from here, could be up to 100 miles away. Perdue said that dispatch had sent him the recordings and he sent them to the State Department of Homeland Security and the FCC in Chicago. They listened to them and basically said that it is telemetry, that means that data is being sent digitally into our system, and our system cannot read it so it just comes out as a burst of noise. They feel it is a licensed user far away, nothing intentional. This has all taken place since the narrow banding took place.

**Meadors**

Meadors said he had talked to Advanced Radio about it and they said they can track it, but it will take time and money.

Meadors also said that one of the AC units on the Chrisney building was down and needed to be seen about and we needed to look at getting that roof coated before winter.

After much discussion Perdue suggested reprogramming on mobile radios PL tone and see what happens.

Logsdon said to go ahead and follow through on that suggestion and see what the results are.

**Plan Commission-Teresa Cail- Rezoning-Addressing**

**Addressing**

Cail said Lindsey had the Resolution drawn up for the address changes, everything we discussed at the last meeting. Once the resolution has been signed Cail will contact the Post Offices and start generating the letters. Cail will make all address changes in GIS and Lloyd will change the road names. Dispatch and EMS will receive all changes.

Logsdon made a motion to approve Resolution 2013-15, a Resolution renaming roads in Spencer County. Toler seconded the motion, motion approved.

**Rezoning**

Cail explained that at the July meeting the Plan Commission held a public hearing; all adjoining land owners were notified. The Plan Commission is now recommending to you that you rezone 293 acres to Industrial 2.

Eric Ayer, Attorney representing Ohio Valley Resources spoke and explained that OVR is planning to build a 1.25 billion dollar plant to manufacture fertilizer on approximately 293 acres that they have an option on that lies west of 231 and south of CR 400 N. On June 27<sup>th</sup> OVR filed a petition to rezone the optioned land to I-2; July 25<sup>th</sup> the Spencer County Plan Commission met after proper notices were sent to hold a public hearing. At that public hearing the Board voted unanimously in favor of rezoning this property. We respectfully request that you follow the recommendation of the Spencer County Plan Commission which was unanimous and rezone the acreage under option to I-2.

**Doug Wilson**

Wilson spoke and explained that IDEM has officially signed off on the air permit and is ready to issue the air permit for this project. The permit is currently sitting in front of the EPA; they have 45 days to review it. IDEM and the air permit people have told me to look for the air permit to be issued sometime between September 10<sup>th</sup> and 17<sup>th</sup>. Structural work probably won't start until sometime in the spring.

Wilson thanked everyone for the support this project has received.

**Rollie Kelly**

Kelly lives north of CR 400 N and said he would be in direct line with the storage unloading facility. He said he had no problem with the facility being built in the county, but he asked that a provision for a buffer zone of two, three or four thousand feet be included where no residences could be located. He said freak accidents happen all the time and something will happen so we need to know as much as we can about this project.

**Michael Cochenour**

Cochenour spoke and said he was not against development in the county, but responsible development. He felt that this development would take away the utilization of his property from what it has been used for the last 150 years. He respectfully requested that the Commissioners reject the rezoning request.

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**Scott Pierce**

Pierce spoke and said he had worked in facilities just like this for over 30 years. He was brought into the project for his expertise. He said all the facilities he had worked in had a Community Advisory Panel which they invited neighbors, members of the local political establishment, and employees, not necessarily management, but hourly employees to meet monthly. This is more of an educational thing because people fear something they are not familiar with. This is a very sophisticated facility, it has to follow the guidelines of process safety management, have to have a risk management plan. There has never been a failure in one of the tanks like we are talking about anywhere in the United States, and they have been building them since the 60's. Fertilizers that we will produce at OVR demand respect, and education, and you have to educate yourself in how to handle it.

Logsdon asked Ayer if the land owner in the center of the proposed site who chose not to sell, if they reach an agreement with OVR, would you have to come back and rezone that parcel. Ayer said that's what we would do, although the 29 acres isn't in the current plant site. Logsdon asked Pierce if any of the facilities where he had worked had created buffer zones. Pierce answered no, they had not.

Toler said he appreciated Mr. Kelly and Mr. Cochenours position because he was close to the area also. He chose that location because he was close to the river and the road which gave good accessibility. He built his business because he wanted to raise his family in Spencer County, has built the business up to 60 employees and he is concerned about their health also. So he does feel their concerns, but he has to look at the County prospective as far as tax base, schools, funding we are losing on a massive number of kids, education wise, because they are leaving. We are in a period of reckoning for Spencer County.

Based on that Toler made a motion to approve the Ordinance to Rezone to Industrial (I-2) for Spencer County residents for growth. Logsdon seconded the motion, motion approved. Cail told the Commissioners that the Plan Commission will review the Confined Feeding Operation on August 22<sup>nd</sup> at 6:00 P.M.

**Kathryn Meyer & Kathy Gogel**

Meyer spoke to the Commissioners about County Road 200 N where her niece Kathy Gogel lived and explained that Rininger had promised to have this road chip and sealed when he was Commissioner and it had never been done. She said that County Road 500 E where she lives was also to have been fixed years ago and it still hasn't been fixed.

Gogel said we get a lot of requests and we can't do everything, we only have so much money. One of the roads she was concerned about was in Tolers district and the other one was in Logsdons district, so they will look into the matter and see what can be done.

**Old Business**

Tom Pulley was present and gave a report on the property owned by First Philadelphia Ministries. He explained that McDonald had been speaking to prospective buyers and hopefully could get something worked out. They have also boarded up some more windows and erected fencing around part of the property, they are working on it. Lindsey said our deadline is September 20<sup>th</sup>, but a bigger deadline is the fact that it is up on tax sale.

Gogel asked Lloyd if she had time yet to get any findings of fact concerning the two lights; the one on Highway 70 and one on old 231. Lloyd said she had sent out emails asking if there were any set precedents for any other roads where they had encountered the same things, but hadn't heard anything. She said she would make some more inquiries and try to find out something. Logsdon told dispatcher Kati Richard that the information that Al Perdue discussed earlier was a wakeup call and said he would take the information to Indianapolis with him and see if anyone else was having the same problems, and if so what measures they are taking to take care of it.

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Logsdon made a motion to adjourn. Toler seconded the motion, motion approved.  
Meeting was adjourned at 11:05 A.M.

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President

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Attest: